

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT LYNCHBURG, VA
FILED

APR 14 2009

JOHN F. CORCORAN, CLERK
BY: *[Signature]*
DEPUTY CLERK

JAMES BROOKS, DONALD HAMLETTE, and
SAMUEL ST. JOHN,

Plaintiffs,

v.

HOWARD R. ARTHUR, SR., and
RANDAL W. MITCHELL,

Defendants.

CIVIL No. 6:08CV00028-30

ORDER

JUDGE NORMAN K. MOON

This matter is before the Court on the Defendants' Motion to Dismiss the Plaintiffs' amended complaints. For the reasons set forth in the accompanying Memorandum Opinion, the Defendants' Motion is **GRANTED**. Counts I and II of the amended complaints are **DISMISSED** with prejudice. Count III of the amended complaints is **DISMISSED** without prejudice. This case is **TERMINATED** and **STRICKEN** from the Court's active docket.

It is so **ORDERED**.

The Clerk of the Court is hereby directed to send a certified copy of this Order and the accompanying Memorandum Opinion to all counsel of record.

Entered this 14th day of April, 2009.

[Signature]
NORMAN K. MOON
UNITED STATES DISTRICT JUDGE